

MENTAL HEALTH/DEVELOPMENTAL DISABILITIES/SUBSTANCE ABUSE
SERVICES – COMMISSION for MH/DD/SA SERVICES WORK GROUP

MINUTES OF THE MEETING

February 7, 2002

The meeting was called to order by Senator Bill Martin, co-chair. The members present were Representative Alexander, co-chair, Senators Virginia Foxx and William Purcell and Representative Esposito.

Senator Martin welcomed members and visitors. Representative Alexander then congratulated Pender McElroy, Chair of the Mental Health, Developmental Disabilities and Substance Abuse Services Commission, (the “Commission”) for being recognized in an article in the *Charlotte Observer* as the “Consummate Advocate - Local Attorney Leads Efforts To Aid The Mentally Ill.” Representative Alexander then introduced and welcomed Dr. Visingardi, new Director of the North Carolina Division of Mental Health, Developmental Disabilities and Substance Abuse Services in DHHS.

Dr. Visingardi (Rich), having been on the job only a few days, spoke briefly about learning the rule-making policies of North Carolina

Tara Larson, Assistant Director, Division of MH/DD/SAS, had brief remarks from the Department. Ms. Larson spoke on the how the Commission and DHHS can work together to implement reform. Public process, accountability process, and families and primary consumers being an active part of the Commission, and making sure that public access to the policy making process is open to help strengthen public policy are primary interests of the Department. It is important that the rule making process not be fragmented.

Dr. Visingardi then spoke. The Commission is a new concept to him, and he is concerned about determining the accountability factor and how the Commission fits with the Department and whether rule making is an open and democratic process. What is the final authority in rule making? He is pleased with what he has learned about the State Plan.

Responding to the directives of the January 23, 2002 meeting for a response to the recommendations of the Commission, Ms. Larson said that the Department feels that at this time standards are with the Commission, and that is an accountability issue with the Department. The establishment and process for making those standards is an issue with the Secretary. The Commission recommended all rule making processes and authority should be given to the Commission. The Department does not support that recommendation but supports that it is a public process and responsibility needs to be defined jointly. The Secretary is accountable to make sure that public policy and rule making is done. The Department would support longer terms for members of the Commission. Membership should be more families and consumers, specifically

consumers and not family members of consumers. Membership should reflect the full range of providers in the system and minority, ethnic and professional representatives.

Senator Martin asked if the Department has any specific suggestions for changes for membership on the Commission. Ms. Larson responded that consumers themselves should be on the Commission. There are none with mental illness or developmental disabilities at this time. The private providers should have more representation. Working with Coalition 2001, membership suggestions will be made. Mental health representation needs to be broken down to members for both child and adult mental health whose issues are different. Senator Martin asked about the proper mix between professionals and others. Ms. Larson said that the State Plan says families and consumers need a broader role in the actual operation and management of the system. The Secretary has established an implementation review committee that will be 100% family and consumers.

Representative Alexander said it is important to define the purpose of the Commission before other matters are considered. Senator Foxx reminded that input from consumers and families is very important. She asked staff if there are other commissions analogous to the MD/DD/SAS Commission. Gann Watson, staff counsel, said that those commissions most analogous are in the Department. The primary purpose is for them to adopt rules and carry out the statutory intent. Discussion followed as to the proper way to establish rules and under whose authority for implementation. Ms. Larson reported that the Department and Commission are working on this matter. There is sometimes disconnect between policies from the Department and the Commission, and the process of clearing out inconsistencies in establishing rules can be very slow. Timelines for adoption of policy do not always flow smoothly. Ms. Watson said that the common denominator is that the Department staffs the various meetings. There is no legal impediment to the General Assembly requiring the various commissions to interact. Senator Foxx said that clarifying the needs for policy and rules across the board would be helpful – start with federal law, then NC statute, then licensure. There may be more directives than necessary. She said that delayed process undermines credibility; streamlining the process is vital. Ms. Larson agreed that bureaucracy slows the process. She cited the current seclusion and restraint policy.

Representative Alexander invited comments from the visitors, and the following people spoke:

Carolyn Clayton for the NC Council of Community Programs;
Dave Richard for ARC of North Carolina;
Tony Mulvihill, Director of the Alcohol and Drug Council of NC;
Beth Melcher for NAMI- NC;
Sally Cameron for the NC Psychological Association;
Karen Stallings, State Coordinator the Association of Self Advocates;
Floyd McCullough, a member of the Commission and consumer;
Paula Cox, volunteer advocate;
Pender McElroy, Chairman of the Commission;
Holly Riddle, Executive Director of the Council on Disabilities;

Jennifer Sullivan, for the National Association of Social Workers;
Tom Smith, for the Friends of Mental Health;
Emily Moore, Past Chairman of the Commission.

Senator Martin concluded from the remarks that the Commission be maintained, staffing be improved, consumers be better utilized, and that the roles of the Commission and Department be clarified.

Discussion followed concerning determination of [fiscal impact that rules may have on State agencies, local governments, or entities governed by the rules](#). When a rule is proposed that is expected to have a fiscal impact on the State budget a fiscal note must be prepared and the Office of State Budget must certify that funds are available. Karen Hammonds-Blanks, fiscal analyst, pointed out that bills are also analyzed for fiscal impact. This analysis includes whether rules adopted to implement the legislation might have a fiscal impact.

The next meeting will be held on March 6, 2002. The committee will meet in a work session to consider the need for and role of the Commission. Ms. Watson will provide the current law governing the Commission.

There being no further business, the meeting was adjourned.

Martha Alexander, Co Chair

William Martin, Co Chair

Ann Faust, Committee Clerk